

## Exhibit 12

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X 05 Civ. 5193 (DAB)  
PIERS GARDNER,

Plaintiff,

- against -

**AFFIDAVIT OF  
SURIE LEFKOWITZ**

SURI LEFKOWITZ,

Defendant.

-----X  
STATE OF NEW YORK )  
COUNTY OF KINGS ) ss.:

Surie Lefkowitz, being duly sworn, does hereby depose under penalty of perjury and  
says:

1. I am Surie Lefkowitz, sued herein as Suri Lefkowitz. I make this affidavit  
in support of my Objections to the Report of the Magistrate.
2. I have never engaged or retained Piers Gardner or Moncton Chambers for any  
purpose.
3. I have never signed any agreement or engagement with Piers Gardner or  
Moncton Chambers for any purpose.
4. On information and belief, Pier Gardner and/or Moncton Chambers were in  
direct contact with Sholam Weiss prior to the time I first met Piers Gardner.
5. On information and belief, any and all agreements for Sholam Weiss legal  
defense were made between Sholam Weiss, Pier Gardner and/or Moncton Chambers.
6. I first met Piers Gardner in Vienna on or about June 5, 2002 at the offices of

an attorney for Sholam Weiss.

7. I had no idea of the existence of Piers Gardner prior to that meeting. I had no advance knowledge that Piers Gardner would be at that meeting. I did not arrange in advance for him to attend that meeting nor invite him to attend.

8. Not at that meeting, nor at any other time did I engage or retain Moncton Chambers nor Piers Gardner to render any legal services to me or to Sholam Weiss.

9. No Fee Notes from Moncton Chambers nor Piers Gardner were ever sent to me at any address I resided at the time they allegedly were sent nor faxed to me at any fax number of mine. I have no specific recollection of seeing any such invoice prior to this proceeding, but even if I have, I would have simply thrown it away - since I never agreed to pay Moncton Chambers nor Piers Gardner any amount for any reason.

10. My attorney advises me that *since I was never a client of Moncton Chambers nor Piers Gardner*, there can be no cause of action for Account Stated, even if I had received any bills from Moncton Chambers or Piers Gardner.

11. I was never served a copy of the summons and complaint.

12. It is claimed that the summons and complaint in this action was served upon me in 2005 at 1542 54<sup>th</sup> Street, Brooklyn, New York.

13. Prior to and in 2005, I did not reside at at 1542 54<sup>th</sup> Street, Brooklyn, New York.

14. Attached hereto please find copies of sundry documents addressed to me at 1745 56<sup>th</sup> Street, Brooklyn, NY - proving that in 2005, I lived at 1745 56<sup>th</sup> Street, Brooklyn, NY:

- IRS Form 1040 for 2005
- Bank of America Form 1099
- Southwest Securities 2005 Composite Statement of 1099 Forms
- CPA cover letter to 2005 Tax Forms
- Chase Bank 2005 Tax Documents
- Orange County Tax Bill
- Monroe Montgomery School Tax Bill

(Exhibit **B** )

15. Prior to and in 2005, we rented out our premises 1542 54<sup>th</sup> Street, Brooklyn, New York to tenants, as proven by the attached IRS Form 1040 - Schedule E - Income from Real Estate Rental document proves. (Exhibit **E** )

16. Tepfer & Tepfer, PC were not my lawyers for any purpose, specifically during the years 2002, 2003, 2004, and 2005.

17. Tepfer & Tepfer, PC deny being my lawyers during the years 2002, 2003, 2004, and 2005. (See Affirmation of Herbert Tepfer, attached hereto as Exhibit **A** )

18. I am advised by counsel that since Tepfer & Tepfer were not my lawyers at the time Piers Gardner/Moncton Chambers allegedly sent Tepfer & Tepfer a copy of a judgment against me, such alleged sending to them of such judgment cannot serve as "constructive notice" to me of a judgment pending against me.

19. As this Honorable Court can see, Piers Gardner/Moncton Chambers'

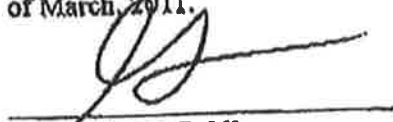
persecution of me is groundless.

20. Wherefore, for all the foregoing reasons, I respectfully request that this Honorable Court make and enter an order vacating the judgement heretofore entered against me dated October 21, 2005, and grant me such other, further and different relief as to this Honorable Court may seem just.

Respectfully Submitted,

  
Surie Leskowitz

Sworn to this 23<sup>rd</sup> day  
of March, 2011.

  
Notary Public

SOLOMON FRIEDMAN  
NOTARY PUBLIC, State of New York  
No. 01F14803500  
Qualified in Kings County  
Commission Expires JANUARY 5, 2014